

### **REMARKS**

This response and accompanying Request for Continued Examination are being filed in response to the Office Action mailed January 28, 2004 having a shortened statutory response period ending on April 28, 2004. This response is timely filed. The Commissioner is hereby authorized to charge any additional fees to Deposit Account No. 02-1818. Applicants respectfully request reconsideration and allowance of the pending claims in the present application in view of the foregoing amendments and remarks below.

Applicants invite the Examiner to call Applicants' Representative to discuss any issues with this application.

#### **1. Status of the Claims**

Claims 12 and 18-48 are pending in this application. Claims 12, 29, 37 and 39 have been amended. Support for these amendments may be found in the present application at page 11 line 30 through page 17 line 26 and FIGS. 10-17e.

#### **2. Drawings**

The proposed drawing amendment submitted on October 14, 2003 was objected to under 37 C.F.R. §1.83(a) for containing new matter as the original specification did not provide support for arms supporting pulleys 180 and 182.

FIG. 13a has been added to the specification and schematically depicts first pulley 180 connected to cross rail 178 and second pulley 182 connected to a side of box 100 as is disclosed at page 14, lines 3-4. While the second pulley is shown in one discrete location by necessity, it could be connected to any location on the side of the box. Accordingly, Applicants respectfully submit that all features recited in the claims are illustrated in the drawings and that no new matter has been added.

#### **3. § 112 Rejections**

Claims 12 and 18-48 were rejected under 35 U.S.C. § 112 1<sup>st</sup> paragraph for lack of enablement as it is allegedly unclear how first pulley 180 is mounted to cross rail 178 and how second pulley 182 is mounted to the box. Applicants respectfully traverse this rejection.

None of the claims have any recitation whatsoever remotely related to 1) a pulley mounted to a cross rail or 2) a second pulley mounted to a box. Moreover, the specification clearly sets forth a counterweight system having one end of a cable attached to a counterweight, the cable extending through a first pulley connected to the cross rail and a second pulley connected to a side of the box. The cable is extended through the pulleys and a

second end of the cable is attached to the flexible container. The counterweight system provides an upward biasing force to the top portion of flexible container 10. See present specification, page 13 line 24 through page 14 line 10. Given this disclosure, the skilled artisan clearly would be enabled to practice the claimed invention. As the subject matter of the present claims is adequately supported by the present specification, Applicants respectfully request that the § 112 rejection be withdrawn.

#### 4. Prior Art Rejections

Claims 12 and 18-48 are rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 4,182,386 to Alack (*Alack*) in view of U.S. Patent No. 5,788,121 to Sasaki et al. (*Sasaki*) and either U.S. Patent No. 4,338,979 to Dow (*Dow*) or U.S. Patent No. 3,212,681 to Weikert (*Weikert*). Applicants respectfully traverse these rejections.

Combining *Alack* with *Sasaki*, *Dow* or *Weikert*, fails to establish a *prima facie* case of obviousness as any such combination renders the *Alack* system inoperable for its intended purpose. *Alack* discloses a system for unloading powdered materials. The *Alack* system requires a porous flexible container in order to discharge the particulate material from the container. *Alack*, col. 2 line 55 through col. 3 line 17. *Sasaki*, *Dow* and *Weikert*, however, each disclose a nonporous bag. *Sasaki*, col. 11 lines 31-36; *Dow*, col. 2 lines 16-24; and *Weikert*, col. 4 lines 36-49.

Substituting *Alack*'s porous flexible container with the nonporous bag from *Sasaki*, *Dow* or *Weikert* would prevent the discharge of the particulate material from the *Alack* system. The porous diaphragm of the *Alack* flexible container permits the introduction of gas into the *Alack* container thereby fluidizing the particulate material contained therein in order to discharge the material from the container. *Alack*, col. 2 line 55 through col. 3 line 17. The skilled artisan would recognize that replacing the *Alack* porous flexible container with the nonporous flexible bag of *Sasaki*, *Dow* or *Weikert* would prevent the introduction of gas into the container interior. Consequently, the particulate material could not be fluidized thereby preventing discharge of the particulate material from the *Alack* system. As substitution of the *Alack* porous container with the nonporous flexible container from *Sasaki*, *Dow* or *Weikert* renders the *Alack* system inoperable, combining *Alack* with *Sasaki*, *Dow* or *Weikert* fails to establish a *prima facie* case of obviousness.

Furthermore, *Alack* and *Dow* each teach away from a flexible container that defines a sterile barrier to the container interior as recited in claims 12, 29, and 40. *Alack* discloses a system for suspending a flexible bag within a container. The bottom of *Alack*'s flexible bag,

however, includes a porous diaphragm made of a fabric material. *Alack*, col. 2 line 55 through col. 3 line 17. The porous nature of the *Alack* bag inherently exposes the container contents to the ambient environment. Similarly, the *Dow* device maintains a flexible bag in an open position exposing the bag interior to the ambient environment. *Dow*, abstract, FIG. 1. Thus, *Alack*'s porous flexible container and *Dow*'s open bag each teach away from the recited container that defines a sterile barrier to the container interior.

In addition, no reference teaches or suggests a support system wherein the perimeter of the flexible container is greater than the perimeter of the outer box as recited in claims 18, 29 and 39. *Alack* has no disclosure whatsoever directed to the relative volumes of the flexible container and the box volume. Paper No. 19, ¶ 4. *Sasaki* discloses that the bag volume is less than the box volume. *Sasaki*, col. 19 line 49 through col. 20 line 2. *Dow* and *Weikert*, have no disclosure that the perimeter (i.e., the horizontal cross sectional plane) of the inner bag is greater than the perimeter of the outer container as recited. *Dow* and *Weikert* merely disclose that the inner bag has a volume greater than the outer container. *Dow*, FIG. 1; *Weikert*, col. 4 lines 45-50.

Moreover, no reference teaches or suggests a support system having means for upwardly biasing the top portion of a flexible container wherein the top portion of the flexible container has a diagonal seam as recited in claims 36 and 38. *Alack* has no disclosure whatsoever directed to a flexible container having a diagonal seam. *Sasaki* has no disclosure whatsoever directed to means for upwardly biasing the top portion of a flexible container.

### CONCLUSION

For the foregoing reasons, Applicants respectfully submit that the patent application is in condition for allowance and request a Notice of Allowance be issued.

Respectfully submitted,

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